



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,457	06/14/2001	Russell P. Bink	1039-0014	8926

7590 03/08/2005

Steven W. Smith
840 Central Parkway East
Suite 120
Plano, TX 75074

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,457

Applicant(s)

BLINK ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,10,11,13-19 and 24 is/are pending in the application.
- 4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,10,11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

Newly submitted claim 24 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claim 24 recites a method and actively calls e.g., for a stacking function which is not covered by the subject matter of an article claim. Moreover, the method is so broadly worded that it can be accomplished by hand in that the tip tray could merely be a plate on which written papers commenting on service are placed see MPEP 806.05e. Since applicant has received an action on the merits for the originally presented invention, namely article claims, and this invention was elected for prosecution on the merits on 4/18/04. Accordingly, claim 24 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 11, 13, 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks et al. in view of Liu et al. and Eide.

Crooks et al. disclose a tip tray (tray 28) that includes means within the tray for obtaining and storing responses from the customer (read as digitizer 44 and memory 46), a base unit (read as 22) that collects the responses

from the tray. Crooks et al. Fail to disclose means which takes responses regarding the level of customer satisfaction. In addition, Crooks et al. also fails to teach aligned contacts which contact one another and which transfer data once vertically stacked. However, Liu et al. do disclose such a survey device which, like the device of Crook et al., is located at a payment device. It would be obvious to modify the tray in Crook et al. to include the survey feature of Liu et al. (step 350) since the motivation would be to determine service quality at the time of payment when a customer is most likely to be candid. Likewise, Eide et al. disclose vertically stacked data collection devices which have contacts or pins 5,5 which align with a corresponding receptacle, hole 6, when the devices 4 are stacked thereby transferring data therebetween. It would be obvious to further modify the trays in Crooks et al. to be vertically stacked rather than horizontally, and then to use vertically aligned contacts in order to transfer data therebetween as taught by Eide, the motivation being the cost saving of not forming a connection for each device as is otherwise shown in Crooks et al. in Fig. 1 at element 24.

Re claim 10: Liu et al. disclose a visual display that presents customer satisfaction survey questions to the customer (414); a survey keypad for entering the customer's responses to the survey questions (116); a memory that stores the customer responses; and a tray processor (140) that sends survey questions to the display (payment gateway 140 routes survey questions and routes answers back to server 170 from the input device 105 and thus collects responses from the keypad, and sends the responses to the memory).

Re claim 11: the external communications link in communication with the tray processor is read as the data coupling 34 in Crook et al.. It would be obvious to use the said tray processor (gateway 414) in Liu et al.) to retrieve the responses from the memory and downloading the responses to the base unit utilizing the communications link, the motivation being to better manage the flow of data.

Re claim 13: the base unit includes a battery recharger connected to a power pin See Fig 2 of Crooks et al for charger connecting to battery via contact coupling 36 which inherently is a pin like connection, and the tray includes a rechargeable battery connected to a power *receptacle (coupling 36)*, and the battery is recharged by stacking the tray on the base unit so that the *power pin* on the base unit is in contact with the *power* receptacle on the tray (the insertion of the tray 28 into the slot30 of the base station is read as stacking).

Re claim 14: the base unit 24 has data coupling 34 which is disclosed as a direct electrical connection which reads on a data pin and a tray data receptacle connected to the external communications link, said base unit processor using the communications link (gateway 414 see above) to program the tray processor with survey questions, and to download from the tray memory, the customer responses.

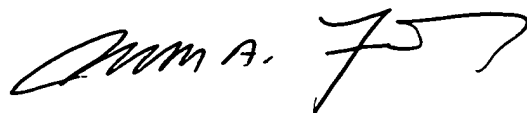
Claims 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Primary Examiner Joseph A. Fischetti at telephone number (703) 305-0731.

Handwritten signature of Joseph A. Fischetti, consisting of a stylized 'J' and 'F' followed by the initials 'A. F.'.